**IN THE HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**
Government Appeal No. 28 of 2005

State of Uttar Pradesh … Petitioner

Versus

Mohammad Rafi S/o Late Sri Mohammad Kasim
Thana Muglapura Haiderabad
At present through Jailer
District Jail Dehradun … Respondent

**Hon'ble B.C.Kandpal, J**

Heard learned Government Advocate on the question of admission.

The judgment passed by the lower appellate court shows that the respondent has been convicted under Sections 420, 467, 468 and 471 I.P.C. and was sentenced accordingly. He was also convicted under Section 14 of Foreign Act by the learned C.J.M., Dehradun in Criminal Case No. 1593 of 2002 State Vs Mohd. Rafi @ Rahi.

Against the judgment and order passed by the trial court, an appeal was preferred and the appellant court was of the opinion that the charge under Section 14 of Foreign Act was not framed by the trial court and there was no evidence to substantiate the charge under Section 14 of Foreign Act, therefore, the conviction under Section 14 of Foreign Act could not have been passed by the trial court.

I do not find any ground to interfere in the judgment passed by the lower appellant court.

The lower appellate court has maintained the conviction and sentence of the respondent under Section 420, 467, 468 and 471 I.P.C. The conviction under Section 14 of Foreign Act has been rightly set aside by the lower appellate court and I do not find any infirmity in the same.

I do not find any ground to admit the appeal. Accordingly, the appeal is dismissed in-limine.

**(B.C.Kandpal,J)**

17.10.2005
ASWAL